

**H.R. 2580**  
**AMENDMENT TO THE AMENDMENT IN THE**  
**NATURE OF A SUBSTITUTE**  
**OFFERED BY \_\_\_\_\_**

Page 66, after line 20, insert:

1   **SEC. 303A. INTERSTATE TRANSPORTATION AND DISPOSAL**  
2                   **OF MUNICIPAL SOLID WASTE.**

3           (a) PRESUMPTIVE BAN ON RECEIPT OF OUT-OF-  
4 STATE WASTE.—No landfill or incinerator may receive  
5 any out-of-State municipal solid waste for disposal or in-  
6 cination unless the waste is received pursuant to—

7                   (1) a host community agreement in accordance  
8           with subsection (b) or (c); or

9                   (2) an exemption under subsection (d).

10          (b) EXISTING HOST COMMUNITY AGREEMENTS.—  
11 Except as provided in subsection (e), out-of-State munic-  
12 ipal solid waste may be received at a landfill or incinerator  
13 for disposal or incineration pursuant to a host community  
14 agreement entered into before the enactment of this sec-  
15 tion if—

1           (1) the agreement specifically authorizes the  
2 owner or operator to accept, at the landfill or incin-  
3 erator, out-of-State municipal solid waste; and

4           (2) the owner or operator complies with all of  
5 the terms and conditions of the host community  
6 agreement.

7 The owner or operator shall provide a copy of the host  
8 community agreement, within 90 days after the enactment  
9 of this section, to the State and affected local government  
10 and make such a copy available for inspection by the pub-  
11 lic in the affected local community.

12       (c) NEW HOST COMMUNITY AGREEMENTS.—

13           (1) EXEMPTION FROM BAN.—Except as pro-  
14 vided in subsection (e), out-of-State municipal solid  
15 waste may be received at a landfill or incinerator for  
16 disposal or incineration pursuant to a host commu-  
17 nity agreement entered into on or after the enact-  
18 ment of this section (in this section referred to as  
19 a “new host community agreement”) if the agree-  
20 ment specifically authorizes the receipt of such waste  
21 and meets the requirements of paragraphs (2)  
22 through (5) of this subsection.

23           (2) REQUIREMENTS FOR AUTHORIZATION.—An  
24 authorization to receive out-of-State municipal solid  
25 waste pursuant to a new host community agreement

1 shall be granted by formal action at a meeting; be  
2 recorded in writing in the official record of the meet-  
3 ing; and remain in effect according to its terms.  
4 Such authorization may specify terms and condi-  
5 tions, including an amount of out-of-State municipal  
6 solid waste that an owner or operator may receive  
7 and the duration of the authorization.

8 (3) INFORMATION.—Prior to seeking an author-  
9 ization to receive out-of-State municipal solid waste  
10 pursuant to a new host community agreement under  
11 this subsection, the owner or operator of the facility  
12 seeking such authorization shall provide (and make  
13 readily available to the State, each contiguous local  
14 government and Indian tribe, and any other inter-  
15 ested person for inspection and copying) each of the  
16 following items of information:

17 (A) A brief description of the facility, in-  
18 cluding, with respect to both the facility and  
19 any planned expansion of the facility, the size,  
20 the ultimate waste capacity, and the anticipated  
21 monthly and yearly quantities of waste to be  
22 handled. Such quantities shall be expressed in  
23 terms of volume.

24 (B) A map of the facility site indicating lo-  
25 cation in relation to the local road system and

1 topography and general hydrogeological fea-  
2 tures. The map shall indicate any buffer zones  
3 to be acquired by the owner or operator as well  
4 as all facility units.

5 (C) A description of the then current envi-  
6 ronmental characteristics of the site, a descrip-  
7 tion of ground water use in the area, and a dis-  
8 cussion of alterations that may be necessitated  
9 by, or occur as a result of, the facility. The de-  
10 scription of groundwater use shall include iden-  
11 tification of private wells and public drinking  
12 water sources.

13 (D) A description of environmental con-  
14 trols typically required to be used on the site  
15 (pursuant to permit requirements), including  
16 run on or run off management, or both, air pol-  
17 lution control devices, source separation proce-  
18 dures (if any), methane monitoring and control,  
19 landfill covers, liners or leachate collection sys-  
20 tems, and monitoring programs. In addition,  
21 the description shall include a description of  
22 any waste residuals generated by the facility,  
23 including leachate or ash, and the planned man-  
24 agement of the residuals.

1           (E) A description of site access controls to  
2           be employed, and roadway improvements to be  
3           made, by the owner or operator, and an esti-  
4           mate of the timing and extent of increased local  
5           truck traffic.

6           (F) A list of all required Federal, State,  
7           and local permits.

8           (G) Estimates of the personnel require-  
9           ments of the facility, including information re-  
10          garding the probable skill and education levels  
11          required for jobs at the facility. To the extent  
12          practicable, the information shall distinguish  
13          between employment statistics for  
14          preoperational and postoperational levels.

15          (H) Any information that is required by  
16          State or Federal law to be provided with re-  
17          spect to any violations of environmental laws  
18          (including regulations) by the owner, the oper-  
19          ator, and any subsidiary of the owner or oper-  
20          ator, the disposition of enforcement proceedings  
21          taken with respect to the violations, and correc-  
22          tive action and rehabilitation measures taken as  
23          a result of the proceedings.

24          (I) Any information that is required by  
25          State or Federal law to be provided with re-

1           spect to gifts and contributions made by the  
2           owner or operator.

3           (J) Any information that is required by  
4           State or Federal law to be provided with re-  
5           spect to compliance by the owner or operator  
6           with the State solid waste management plan.

7           (4) PRIOR NOTIFICATION.—Prior to taking for-  
8           mal action with respect to granting authorization to  
9           receive out-of-State municipal solid waste pursuant  
10          to a new host community agreement under this sub-  
11          section, an affected local government shall—

12           (A) notify the State, contiguous local gov-  
13           ernments, and any contiguous Indian tribes;

14           (B) publish notice of the action in a news-  
15           paper of general circulation in the affected area  
16           at least 15 days before holding a hearing under  
17           subparagraph (C), except where State law pro-  
18           vides for an alternate form of public notifica-  
19           tion; and

20           (C) provide an opportunity for public com-  
21           ment in accordance with State law, including at  
22           least 1 public hearing.

23           (5) SUBSEQUENT NOTIFICATION.—Promptly,  
24           but not later than 90 days after an authorization is  
25           granted pursuant to a new host community agree-

1       ment under this subsection, the affected local gov-  
2       ernment shall notify the Governor, contiguous local  
3       governments, and any contiguous Indian tribes of  
4       such authorization.

5               (6) AUTHORITY.—

6                       (A) IN GENERAL.—A State may enact a  
7       law or laws with respect to the entry, by an af-  
8       fected local government in the State, into a host  
9       community agreement, as it relates to the inter-  
10      state transportation of solid waste.

11                    (B) NO DISCRIMINATION.—In enacting a  
12      law or laws pursuant to subparagraph (A), a  
13      State shall act in a consistent manner that does  
14      not discriminate against the receipt of out-of-  
15      State municipal solid waste on the basis of  
16      State of origin.

17      (d) EXEMPTION FOR WASTE NOT SUBJECT TO HOST  
18      COMMUNITY AGREEMENTS.—

19                    (1) EXEMPTION FROM BAN.—Except as pro-  
20      vided in subsection (e), out-of-State municipal solid  
21      waste received at a landfill or incinerator shall be ex-  
22      empt from the presumptive ban contained in sub-  
23      section (a) if the owner or operator of the landfill or  
24      incinerator provides to the State in which the landfill

1 or incinerator is located and to the affected local  
2 government either of the following:

3 (A) PERMIT.—Information establishing  
4 that, before the enactment of this section, the  
5 owner or operator of the landfill or incinerator  
6 has received a State permit that specifically au-  
7 thorizes the owner or operator to accept, at the  
8 landfill or incinerator, such out-of-State munic-  
9 ipal solid waste. This subparagraph shall be ef-  
10 fective only if the owner or operator complies  
11 with all of the terms and conditions of the per-  
12 mit after the date of enactment of this section  
13 and notifies the affected local government of  
14 the permit as soon as practicable but not later  
15 than 90 days after the date of enactment of  
16 this section.

17 (B) CONTRACT.—Information establishing  
18 that the owner or operator of the landfill or in-  
19 cinerator has entered into a binding contract  
20 before March 18, 1999, that commits to the de-  
21 livery to and receipt at the landfill or inciner-  
22 ator of a specific quantity of out-of-State mu-  
23 nicipal solid waste and that the owner or oper-  
24 ator of the landfill or incinerator has permitted  
25 capacity actually available on the date of enact-

1           ment of this section for receipt of the specific  
2           quantity of out-of-State municipal solid waste  
3           committed to in the contract. This subpara-  
4           graph shall be effective only for the longer of—

5                   (i) the life of the contract (not includ-  
6                   ing any renewal, novation, or extension  
7                   thereof); or

8                   (ii) a period of 3 years after the date  
9                   of enactment of this section,  
10          and only with respect to the amount of the obli-  
11          gation in the contract.

12          (2) AVAILABILITY OF DOCUMENTATION.—The  
13          owner or operator of a landfill or incinerator receiv-  
14          ing out-of-State municipal solid waste pursuant to  
15          an exemption under paragraph (1) shall make avail-  
16          able for inspection by the public in the affected local  
17          community a copy of the permit or contract referred  
18          to in paragraph (1). The owner or operator may  
19          omit any proprietary information contained in con-  
20          tracts.

21          (3) DENIED OR REVOKED PERMITS.—A landfill  
22          or incinerator may not receive for disposal or incin-  
23          eration out-of-State municipal solid waste pursuant  
24          to an exemption under paragraph (1) if the oper-  
25          ating permit for the landfill or incinerator (or re-

1       newal thereof) was denied or revoked by the appro-  
2       priate State agency before the date of enactment of  
3       this section, unless such permit or license (or re-  
4       newal) has been reinstated as of such date of enact-  
5       ment.

6       (e) REQUIRED COMPLIANCE.—Exemptions under  
7       subsections (b), (c), and (d) shall not apply to a landfill  
8       or incinerator during any period with respect to which the  
9       State in which the facility is located has determined that  
10      the facility is not in compliance with applicable Federal  
11      and State laws and regulations relating to—

12               (1) facility operation and design;

13               (2) in the case of landfills, facility location  
14      standards, leachate collection standards, ground-  
15      water monitoring standards, and standards for fi-  
16      nancial assurance and for closure and postclosure  
17      and corrective action; and

18               (3) in the case of incinerators, the applicable  
19      requirements of section 129 of the Clean Air Act (42  
20      U.S.C. 7429).

21      (f) AUTHORITY OF STATE TO RESTRICT OUT-OF-  
22      STATE MUNICIPAL SOLID WASTE.—

23               (1) LIMITATIONS ON AMOUNT OF WASTE RE-  
24      CEIVED.—

1 (A) LIMIT FOR ALL FACILITIES IN THE  
2 STATE.—A State may limit the amount of out-  
3 of-State municipal solid waste received annually  
4 at each landfill or incinerator in the State to  
5 the limitation amount described in paragraph  
6 (2), except as provided in this subsection. No  
7 such limit may conflict—

8 (i) with provisions of a permit specifi-  
9 cally authorizing the owner or operator to  
10 accept, at the facility, out-of-State munic-  
11 ipal solid waste; or

12 (ii) with a host community agreement  
13 entered into between the owner or operator  
14 of any such landfill or incinerator and the  
15 affected local government.

16 (B) CONFLICT.—A limit referred to in sub-  
17 paragraph (A) shall be treated as conflicting  
18 with—

19 (i) a permit if the permit establishes  
20 a higher limit or does not establish any  
21 limit on the amount of out-of-State munic-  
22 ipal solid waste which may be received an-  
23 nually at the facility; and

24 (ii) a host community agreement if  
25 the host community agreement establishes

1 a higher limit or does not establish any  
2 limit on the amount of out-of-State munic-  
3 ipal solid waste which may be received an-  
4 nually at the facility, but only to the extent  
5 that the landfill or incinerator, at the time  
6 the host community agreement was entered  
7 into, had specifically permitted capacity to  
8 receive the solid waste authorized by the  
9 host community agreement.

10 (C) LIMIT FOR PARTICULAR FACILITIES.—

11 An affected local government that has not exe-  
12 cuted a host community agreement with a par-  
13 ticular landfill or incinerator may limit the  
14 amount of out-of-State municipal solid waste  
15 received annually at the landfill or incinerator  
16 concerned to the limitation amount described in  
17 paragraph (2). No such limit may conflict with  
18 provisions of a permit specifically authorizing  
19 the owner or operator to accept, at the facility,  
20 out-of-State municipal solid waste.

21 (D) EFFECT ON OTHER LAWS.—Nothing  
22 in this subsection shall be interpreted or con-  
23 strued to supersede any State law relating to  
24 contracts.

1           (2) LIMITATION AMOUNT.—For any landfill or  
2           incinerator that commenced receiving documented  
3           out-of-State municipal solid waste before the date of  
4           enactment of this section, the limitation amount re-  
5           ferred to in paragraph (1) for any year shall be  
6           equal to the amount of out-of-State municipal solid  
7           waste received at the landfill or incinerator con-  
8           cerned during calendar year 1993. The documenta-  
9           tion referred to in this paragraph shall be such as  
10          would result in criminal penalties under State law in  
11          case of false or misleading information. Such docu-  
12          mentation shall include the amount of waste received  
13          in 1993, place of origin, identity of the generator,  
14          date of shipment, and type of waste.

15          (3) NO DISCRIMINATION.—In establishing a  
16          limitation under this subsection, a State shall act in  
17          a consistent manner that does not discriminate  
18          against any shipments of out-of-State municipal  
19          solid waste on the basis of State of origin.

20          (g) LIMITATIONS ON PROSPECTIVE WASTE  
21          FLOWS.—

22          (1) STATE AUTHORITY TO DENY PERMITS.—A  
23          State may provide by law that the State will deny,  
24          or refuse to renew, a permit for the construction or  
25          operation of a landfill or incinerator, or for a major

1       modification to an existing landfill or incinerator,  
2       if—

3               (A) the State has approved a State or local  
4       comprehensive municipal solid waste manage-  
5       ment plan developed under Federal or State  
6       law; and

7               (B) the denial or refusal to renew is based  
8       on a determination, pursuant to a State law au-  
9       thorizing the denial or refusal to renew, that  
10      there is not a local or regional need for the  
11      landfill or incinerator in the State.

12      (2) PERCENTAGE LIMIT.—

13              (A) IN GENERAL.—A State may provide by  
14      law that a State permit issued or renewed after  
15      the date of enactment of this section for a mu-  
16      nicipal solid waste landfill or incinerator, or for  
17      expansion of a municipal solid waste landfill or  
18      incinerator, shall include a requirement that not  
19      more than a specified percentage of the total  
20      amount of municipal solid waste received annu-  
21      ally at the landfill or incinerator may be out-of-  
22      State municipal solid waste. A percentage limi-  
23      tation established by a State under this sub-  
24      paragraph shall not be less than 20 percent.

1 (B) HOST COMMUNITY AGREEMENT.—Not-  
2 withstanding subparagraphs (A) and (C), a  
3 landfill or incinerator acting pursuant to a host  
4 community agreement entered into prior to the  
5 date of enactment of this section that specifi-  
6 cally authorizes the landfill or incinerator to re-  
7 ceive a specific quantity of out-of-State munic-  
8 ipal solid waste annually may receive the spe-  
9 cific quantity authorized under the host com-  
10 munity agreement.

11 (C) NONDISCRIMINATION.—An annual per-  
12 centage limitation referred to in subparagraph  
13 (A)—

14 (i) shall be uniform for all municipal  
15 solid waste landfills and incinerators in the  
16 State; and

17 (ii) may not discriminate against out-  
18 of-State municipal solid waste according to  
19 the State of origin.

20 (h) AUTHORITY OF STATE TO RESTRICT OUT-OF-  
21 STATE MUNICIPAL SOLID WASTE BASED ON RECYCLING  
22 PROGRAMS.—

23 (1) AUTHORITY.—

24 (A) LIMITATION.—A State may limit the  
25 amount of out-of-State municipal solid waste

1 received annually at each landfill or incinerator  
2 in the State to the amount of out-of-State mu-  
3 nicipal solid waste received at the landfill or in-  
4 cinerator concerned during calendar year 1995  
5 if the State has enacted a comprehensive, state-  
6 wide recycling program. No such limit may  
7 conflict—

8 (i) with provisions of a permit specifi-  
9 cally authorizing the owner or operator to  
10 accept, at the facility, out-of-State munic-  
11 ipal solid waste; or

12 (ii) with a host community agreement  
13 entered into between the owner or operator  
14 of any such landfill or incinerator and the  
15 affected local government.

16 (B) CONFLICT.—A limit referred to in sub-  
17 paragraph (A) shall be treated as conflicting  
18 with—

19 (i) a permit if the permit establishes  
20 a higher limit or does not establish any  
21 limit on the amount of out-of-State munic-  
22 ipal solid waste which may be received an-  
23 nually at the facility; and

24 (ii) a host community agreement if  
25 the host community agreement establishes

1 a higher limit or does not establish any  
2 limit on the amount of out-of-State munic-  
3 ipal solid waste which may be received an-  
4 nually at the facility, but only to the extent  
5 that the landfill or incinerator, at the time  
6 the host community agreement was entered  
7 into, had specifically permitted capacity to  
8 receive the solid waste authorized by the  
9 host community agreement.

10 (2) NO DISCRIMINATION.—In establishing a  
11 limitation under this subsection, a State shall act in  
12 a consistent manner that does not discriminate  
13 against any shipments of out-of-State municipal  
14 solid waste on the basis of State of origin.

15 (3) EFFECT ON OTHER LAWS.—Nothing in this  
16 subsection shall be interpreted or construed to su-  
17 persecede any State law relating to contracts.

18 (4) DEFINITION.—As used in this subsection,  
19 the term “comprehensive, statewide recycling pro-  
20 gram” means a law of statewide applicability that  
21 requires the generators of municipal solid waste to  
22 separate all of the following materials for recycling  
23 as a condition of disposing of the waste at landfills  
24 or incinerators in the State:

25 (A) Aluminum containers.

1 (B) Corrugated paper or other container  
2 board.

3 (C) Glass containers.

4 (D) Magazines or other material printed  
5 on similar paper.

6 (E) Newspapers or other material printed  
7 on newsprint.

8 (F) Office paper.

9 (G) Plastic containers.

10 (H) Steel containers.

11 (I) Containers for carbonated or malt bev-  
12 erages that are primarily made of a combina-  
13 tion of steel and aluminum.

14 (i) COST RECOVERY SURCHARGE.—

15 (1) AUTHORITY.—A State may impose and col-  
16 lect a cost recovery charge on the processing, com-  
17 bustion, or disposal in a landfill or incinerator of  
18 out-of-State municipal solid waste in the State in ac-  
19 cordance with this subsection.

20 (2) AMOUNT OF SURCHARGE.—The amount of  
21 the cost recovery surcharge may be no greater than  
22 the amount necessary to recover those costs deter-  
23 mined in conformance with paragraph (4) and in no  
24 event may exceed \$2.00 per ton of waste.

1           (3) USE OF SURCHARGE COLLECTED.—All cost  
2       recovery surcharges collected by a State shall be  
3       used to fund those solid waste management pro-  
4       grams administered by the State or its political sub-  
5       division that incur costs for which the surcharge is  
6       collected.

7           (4) CONDITIONS.—(A) Subject to subpara-  
8       graphs (B) and (C), a State may impose and collect  
9       a cost recovery surcharge on the processing, combus-  
10      tion, or disposal within the State of out-of-State mu-  
11      nicipal solid waste if—

12           (i) the State demonstrates a cost to the  
13      State arising from the processing, combustion,  
14      or disposal within the State of a volume of mu-  
15      nicipal solid waste from a source outside the  
16      State;

17           (ii) the surcharge is based on those costs  
18      to the State demonstrated under clause (i) that,  
19      if not paid for through the surcharge, would  
20      otherwise have to be paid or subsidized by the  
21      State; and

22           (iii) the surcharge is compensatory and is  
23      not discriminatory.

24           (B) In no event shall a cost recovery surcharge  
25      be imposed by a State to the extent that the cost for

1       which recovery is sought is otherwise paid, recovered,  
2       ered, or offset by any other fee or tax paid to the  
3       State or its political subdivision or to the extent that  
4       the amount of the surcharge is offset by voluntarily  
5       agreed payments to a State or its political subdivi-  
6       sion in connection with the generation, transpor-  
7       tation, treatment, processing, combustion, or dis-  
8       posal of solid waste.

9               (C) The grant of a subsidy by a State with re-  
10       spect to entities disposing of waste generated within  
11       the State does not constitute discrimination for pur-  
12       poses of subparagraph (A)(iii).

13              (5) DEFINITIONS.—As used in this subsection:

14              (A) The term “costs” means the costs in-  
15       curred by the State for the implementation of  
16       its laws governing the processing, combustion,  
17       or disposal of municipal solid waste, limited to  
18       the issuance of new permits and renewal of or  
19       modification of permits, inspection and compli-  
20       ance monitoring, enforcement, and costs associ-  
21       ated with technical assistance, data manage-  
22       ment, and collection of fees.

23              (B) The term “processing” means any ac-  
24       tivity to reduce the volume of solid waste or  
25       alter its chemical, biological or physical state,

1 through processes such as thermal treatment,  
2 bailing, composting, crushing, shredding, sepa-  
3 ration, or compaction.

4 (j) IMPLEMENTATION AND ENFORCEMENT.—Any  
5 State may adopt such laws and regulations, not incon-  
6 sistent with this section, as are necessary to implement  
7 and enforce this section, including provisions for penalties.

8 (k) EFFECT ON INTERSTATE COMMERCE.—No State  
9 or local government action taken as authorized by this sec-  
10 tion, including the establishment of a limit pursuant to  
11 subsection (f) or the enactment or execution of a law or  
12 regulation described in subsection (c)(6), (g), (h), (i), or  
13 (j), shall be considered to impose an undue burden on  
14 interstate commerce or to otherwise impair, restrain, or  
15 discriminate against interstate commerce.

16 (l) ANNUAL STATE REPORT.—Each year the owner  
17 or operator of each landfill or incinerator receiving out-  
18 of-State municipal solid waste shall submit to the Gov-  
19 ernor of the State in which the landfill or incinerator is  
20 located information specifying the amount of out-of-State  
21 municipal solid waste received for disposal during the pre-  
22 ceding year. Each year each such State shall publish and  
23 make available to the public a report containing informa-  
24 tion on the amount of out-of-State municipal solid waste

1 received for disposal in the State during the preceding  
2 year.

3 (m) DEFINITIONS.—For purposes of this section:

4 (1) AFFECTED LOCAL GOVERNMENT.—The  
5 term “affected local government” means—

6 (A) the public body authorized by State  
7 law to plan for the management of municipal  
8 solid waste, a majority of the members of which  
9 are elected officials, for the area in which a  
10 landfill or incinerator is located or proposed to  
11 be located;

12 (B) if there is no such body authorized by  
13 State law, the elected officials of the city, town,  
14 township, borough, county, or parish exercising  
15 primary responsibility over municipal solid  
16 waste management or the use of land in the ju-  
17 risdiction in which a landfill or incinerator is lo-  
18 cated or proposed to be located; or

19 (C) contiguous units of local government  
20 located in each of 2 or more adjoining States  
21 acting jointly as an affected local government,  
22 pursuant to the authority provided in section  
23 1005(b) of the Solid Waste Disposal Act, for  
24 purposes of providing authorization under sub-  
25 section (b), (c), or (d) for municipal solid waste

1 generated in the jurisdiction of one of those  
2 units of local government and received for dis-  
3 posal or incineration in the jurisdiction of an-  
4 other.

5 (2) HOST COMMUNITY AGREEMENT.—The term  
6 “host community agreement” means a written, le-  
7 gally binding agreement, lawfully entered into be-  
8 tween an owner or operator of a landfill or inciner-  
9 ator and an affected local government that specifi-  
10 cally authorizes the landfill or incinerator to receive  
11 out-of-State municipal solid waste.

12 (3) MUNICIPAL SOLID WASTE.—

13 (A) WASTE INCLUDED.—Except as pro-  
14 vided in subparagraph (B), the term “municipal  
15 solid waste” means—

16 (i) all waste materials discarded for  
17 disposal by households, including single  
18 and multifamily residences, and hotels and  
19 motels; and

20 (ii) all waste materials discarded for  
21 disposal that were generated by commer-  
22 cial, institutional, municipal, and industrial  
23 sources, to the extent such materials—

24 (I) are essentially the same as  
25 materials described in clause (i); or

1 (II) were collected and disposed  
2 of with other municipal solid waste  
3 described in clause (i) or subclause (I)  
4 of this clause as part of normal mu-  
5 nicipal solid waste collection services,  
6 except that this subclause does not  
7 apply to hazardous materials other  
8 than hazardous materials that, pursu-  
9 ant to regulations issued under sec-  
10 tion 3001(d) of the Solid Waste Dis-  
11 posal Act, are not subject to regula-  
12 tion under subtitle C of the Solid  
13 Waste Disposal Act.

14 Examples of municipal solid waste include food  
15 and yard waste, paper, clothing, appliances,  
16 consumer product packaging, disposable dia-  
17 pers, office supplies, cosmetics, glass and metal  
18 food containers, and household hazardous  
19 waste. Such term shall include debris resulting  
20 from construction, remodeling, repair, or demo-  
21 lition of structures.

22 (B) WASTE NOT INCLUDED.—The term  
23 “municipal solid waste” does not include any of  
24 the following:

1 (i) Any solid waste identified or listed  
2 as a hazardous waste under section 3001  
3 of the Solid Waste Disposal Act, except for  
4 household hazardous waste.

5 (ii) Any solid waste, including con-  
6 taminated soil and debris, resulting from—

7 (I) a response action taken under  
8 section 104 or 106 of the Comprehen-  
9 sive Environmental Response, Com-  
10 pensation, and Liability Act (42  
11 U.S.C. 9604 or 9606);

12 (II) a response action taken  
13 under a State law with authorities  
14 comparable to the authorities of such  
15 section 104 or 106; or

16 (III) a corrective action taken  
17 under this Act.

18 (iii) Recyclable materials that have  
19 been separated, at the source of the waste,  
20 from waste otherwise destined for disposal  
21 or that have been managed separately from  
22 waste destined for disposal.

23 (iv) Scrap rubber to be used as a fuel  
24 source.

1 (v) Materials and products returned  
2 from a dispenser or distributor to the man-  
3 ufacturer or an agent of the manufacturer  
4 for credit, evaluation, and possible reuse.

5 (vi) Any solid waste that is—

6 (I) generated by an industrial fa-  
7 cility; and

8 (II) transported for the purpose  
9 of treatment, storage, or disposal to a  
10 facility or unit thereof that is owned  
11 or operated by the generator of the  
12 waste, located on property owned by  
13 the generator or a company with  
14 which the generator is affiliated, or  
15 the capacity of which is contractually  
16 dedicated exclusively to a specific gen-  
17 erator, so long as the disposal area  
18 complies with local and State land use  
19 and zoning regulations applicable to  
20 the disposal site.

21 (vii) Any medical waste that is seg-  
22 regated from or not mixed with solid  
23 waste.

24 (viii) Sewage sludge and residuals  
25 from any sewage treatment plant, includ-

1           ing any sewage treatment plant required to  
2           be constructed in the State of Massachu-  
3           setts pursuant to any court order issued  
4           against the Massachusetts Water Re-  
5           sources Authority.

6                   (ix) Combustion ash generated by re-  
7           source recovery facilities or municipal in-  
8           cinerators, or waste from manufacturing or  
9           processing (including pollution control) op-  
10          erations not essentially the same as waste  
11          normally generated by households.

12           (4) OUT-OF-STATE MUNICIPAL SOLID WASTE.—  
13          The term “out-of-State municipal solid waste”  
14          means, with respect to any State, municipal solid  
15          waste generated outside of the State. The term in-  
16          cludes municipal solid waste generated outside of the  
17          United States.

18           (5) RECYCLABLE MATERIALS.—The term “recy-  
19          clable materials” means materials that are diverted,  
20          separated from, or separately managed from mate-  
21          rials otherwise destined for disposal as solid waste,  
22          by collecting, sorting, or processing for use as raw  
23          materials or feedstocks in lieu of, or in addition to,  
24          virgin materials, including petroleum, in the manu-  
25          facture of usable materials or products.

1           (6) SPECIFICALLY AUTHORIZES.—The term  
2           “specifically authorizes” refers to an explicit author-  
3           ization, contained in a host community agreement or  
4           permit, to import municipal solid waste from outside  
5           the State. Such authorization may include a ref-  
6           erence to a fixed radius surrounding the landfill or  
7           incinerator which includes an area outside the State  
8           or a reference to “any place of origin”, reference to  
9           specific places outside the State, or use of such  
10          phrases as “regardless of origin” or “outside the  
11          State”. The language for such authorization must  
12          clearly and affirmatively state the approval or con-  
13          sent of the affected local government or State for re-  
14          ceipt of municipal solid waste from sources or loca-  
15          tions outside the State from which the owner or op-  
16          erator of a landfill or incinerator proposes to import  
17          it. The term shall not include general references to  
18          the receipt of waste from outside the jurisdiction of  
19          the affected local government.

20          (7) OTHER TERMS.—Except as otherwise pro-  
21          vided in this section, the terms used in this section  
22          have the same meaning as when used in the Solid  
23          Waste Disposal Act (42 U.S.C. 6901 et seq.).

24          (b) INCIDENT REPORTS.—Not later than one year  
25          after the date of the enactment of this Act and annually

1 for the next two years, the General Accounting Office shall  
2 submit a report to the Committee on Commerce of the  
3 House of Representatives and the Committee on Environ-  
4 ment and Public Works of the Senate that contains the  
5 following information:

6           (1) Available information for each State that  
7 imports municipal solid waste detailing any incidents  
8 or circumstances where waste materials that are not  
9 authorized by permit to be disposed of at a landfill  
10 or incinerator have been discovered in the imported  
11 municipal solid waste during the transportation,  
12 processing, or disposal of such waste. Such unau-  
13 thorized waste materials can include hazardous  
14 waste, medical waste, radioactive waste, and indus-  
15 trial waste.

16           (2) For each incident or circumstance identified  
17 under paragraph (1), an indication of the method or  
18 circumstances of detection, and the identity of the  
19 source of the waste, the transporter, and the dis-  
20 posal facility.

21           (3) For each incident or circumstance identified  
22 under paragraph (1), an indication of whether any-  
23 one was cited for a violation, and if so the nature  
24 of the violation and any penalty assessed.